

Steve W. Berman (*pro hac vice*)
Mark S. Carlson (*pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Ave., Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com
markc@hbsslaw.com

Philip Graves (CBA No. 153441)
HAGENS BERMAN SOBOL SHAPIRO LLP
301 North Lake Avenue, Suite 920
Pasadena, CA 91101
Telephone: (213) 330-7150
Facsimile: (213) 330-7152
philipg@hbsslaw.com

Rio S. Pierce, (SBN 298297)
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
riop@hbsslaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

REARDEN LLC, et al.,

Plaintiffs,

V.

THE WALT DISNEY COMPANY, *et al.*,

Defendants.

No. 4:17-CV 04006-JST-SK
No. 4:17-CV-04191-JST-SK

**DECLARATION OF ROGER VAN
DER LAAN IN OPPOSITION TO
DEFENDANTS' MOTION TO
EXCLUDE PORTIONS OF
DECLARATION OF ANGELA
TINWELL**

Judge: Hon. Jon S. Tigar

Date: To be set

Time: To be set

Ctrm.: 6, 2nd Floor

REARDEN LLC, et al.,

Plaintiffs,

V.

TWENTIETH CENTURY FOX FILM
CORPORATION, *et al.*,

Defendants.

DECLARATION OF ROGER VAN DER LAAN
IN OPPOSITION TO DEFENDANTS' MOTION
TO EXCLUDE TINWELL DECLARATION
Case No. 4:17-cv-04006; -4191-JST

1 I, Roger van der Laan, declare as follows:

2 1. I am currently employed by Rearden LLC as Vice President of Engineering. I have
3 personal knowledge of the facts stated in this declaration, and could testify with respect to those facts
4 under oath if called upon to do so.

5 2. I am co-inventor of MOVA® Contour® Reality Capture technology, and a co-recipient
6 of the Science and Technology Academy Award® for MOVA Contour. I currently hold 76 U.S.
7 Patents, of which 8 are related to the invention of MOVA Contour.

8 3. I am also Vice President of Engineering in multiple Rearden LLC companies,
9 including MOVA. A true and correct copy from MOVA's website regarding my role is attached
10 hereto as Exhibit A.

11 4. I was directly involved in using MOVA Contour to capture Brad Pitt's face in the
12 production of "The Curious Case of Benjamin Button" (released in 2008), working together with
13 Digital Domain's production staff. I was informed by Digital Domain that MOVA Contour was used
14 for the shots that showed Brad Pitt looking older, but not for shots that showed him looking younger.
15 Public information later published by Digital Domain staff stated the same.

16 5. Attached hereto as Exhibit B is a true and correct copy of an interview¹ of one of
17 Digital Domain's production staff who worked on "The Curious Case of Benjamin Button", Eric
18 Barba, in which he states [emphasis added]:

19 ... we were going to be using Brad Pitt's performance to drive *older* versions of
20 his physiology, basically re-targetting the performance to an *older* version of himself ...
21 we used the Mova rig to capture Brad's facial shapes.

22 ... for the first 52 minutes of the film [when Benjamin Button is much older than
23 Brad Pitt] it's a full 3D head, there were 325 individual shots. There's no projection,
24 there's no 2D techniques. Once our work stops about 52 minutes in [when Benjamin
25 Button is slightly older than Brad Pitt], Brad takes over in makeup. Ultimately as

26 ¹ Seymour, Mike, "The Curious Case of Aging Visual Effects", fxguide, January 1, 2009,
27 https://www.fxguide.com/fxfeatured/the_curious_case_of_aging_visual_effects/

[Benjamin Button] gets younger he wears less and less makeup until it's just Brad [at his actual age]. As [Benjamin Button] gets very young Lola did touchup work on [Brad Pitt's] physical makeup then when he gets back to the Dance Studio Lola takes over doing the younger version of Brad. Ultimately there are a couple of child actors and a baby at the end.

Roger van der Laan